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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,041	07/31/2000	Robert D. Thompson	10992275-1	4752

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EXAMINER

KAO, CHIH CHENG G

ART UNIT PAPER NUMBER

2882

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,041

Applicant(s)

THOMPSON, ROBERT D.

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The examiner notes that although the applicant may have intended to cancel claim 10, as noted in the section titled "Remarks" in the Amendment filed 11/22/02, claim 10 was not asked to be amended by cancellation.

2. Claims 4 and 5 are objected to because of the following informalities. Claims 4 and 5 depend on claim 3, which has been canceled in the Amendment filed 11/22/02. This objection may be obviated by changing the dependency of claims 4 and 5 to claim 1. For purposes of examination, the claims will be treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 5, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. (US Patent 5170267) in view of Haikin et al. (US Patent 6512845).

Blitz et al. discloses a method and system for calibrating a scanner (Title) coupled to a computer (Fig. 1, #52) comprising means for retrieving operational data from memory (col. 3, lines 40-45, and col. 4, lines 55-60), means for evaluating data for degradation using a calculated percentage of change between past and present data according to a predetermined value on a calibration strip (col. 4, lines 60-65), and means for calibrating the scanner to overcome degradations (Abstract, last 5 lines).

However, Blitz et al. does not disclose past operational data from previous scans and calibrations.

Haikin et al. teaches past operational data from previous scans and calibrations (col. 1, lines 34-42).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have past operational data from previous scan and calibrations of Haikin et al. with the system and method of Blitz et al., since one would be motivated to use past operational data in order to use it for calibrating and correcting for variations in the color scanners as implied from Haikin et al. (col. 1, lines 23-26 and 34-42).

4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Haikin et al. as applied to claims 1 and 6 above, and further in view of Anderson, II et al. (US Patent 5495329).

Blitz et al. in view of Haikin et al. suggests methods as recited above.

However, Blitz et al. does not disclose calibrating based on an average value of an operational condition being calibrated.

Anderson, II et al. teaches calibrating based on an average value of an operational condition being calibrated (col. 10, lines 35-46).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have calibrating based on an average value of Anderson, II et al. with the suggested methods of Blitz et al. in view of Haikin et al., since one would be motivated to use average values to reduce the possibility that any radical discontinuity in the output profile may skew tests, resulting in a false determination of a poor profile in calibration as implied from Anderson, II et al. (col. 10, lines 35-46).

Allowable Subject Matter

5. The indicated allowability of claims 3-8 and 10 in the previous Office Action are withdrawn in view of the newly discovered reference(s) of Blitz et al. and Haikin et al.

Response to Arguments

6. The objections to the drawings and specification in the Office Action mailed 7/18/02 have been withdrawn in light of the amendment filed 11/22/02.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - Th (8 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk
February 21, 2003

